PLANNING ASSISTANCE TO STATES (PAS) PROGRAM OVERVIEW & UPDATES

Sharon Sartor, HQ PAS Program Manager

July 11, 2023 3:30 - 4:40 PM EDT









WEBINAR OVERVIEW



- Planning Assistance to States background
- Getting Started
- Program Funding & Opportunities
- Program Management
 - PAS Database
- MS Teams
- PAS Updates Section 8119 WRDA 2022
- Questions and Discussion



PRIOR PAS EXPERIENCE?



Not much Some Manage PAS Projects

WHAT TYPES OF PROJECTS CAN BE DONE?







PLANNING ASSISTANCE TO STATES (PAS)



AUTHORITY - Section 22, WRDA 1974, as amended (42 U.S.C. 1962d-16)

PURPOSE – Make USACE expertise available for efforts pertaining to planning for water and related resources through two types of studies: comprehensive plans and technical assistance.

(1) COMPREHENSIVE PLANS: The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State, group of States, non-Federal interest working with a State or group of States, local government, or regional coalition of governmental entities in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State, interest, local government, or entity, including plans to comprehensively address water resources challenges, and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(2) TECHNICAL ASSISTANCE:

- (A) In general, At the request of a governmental agency or non-Federal interest, the Secretary may provide technical assistance to such agency or non-Federal interest in managing water resources.
- (B) Types of assistance. Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.

Original Authorization Section 22 of WRDA 1974

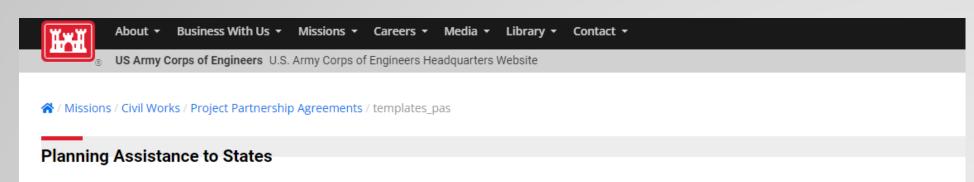
Water Conservation Plans – SEC. 22. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

Appropriation. (b) There is authorized to be appropriated not to exceed \$2,000,000 annually to carry out the provisions of this section except that not more than \$200,000 shall be expended in any one year in any one State.



GUIDANCE





ER 1105-2-100, Planning Guidance Notebook Appendix G Section VI – Planning Assistance to States

- Dated 2004 update planned to consolidate subsequent guidance
- Provides:
 - Background on the program
 - General Roles and responsibilities
 - Appropriate Uses of the Program
 - **Program Coordination**
 - **Budget Execution**

Section 22 Technical Assistance

History and Applicability Implementation Memo Template: MS Word Template: PDF

Section 22 Planning Assistance Comprehensive Plan

History and Applicability Implementation Memo Template: MS Word Template: PDF

Guidance

- Section 3015 of WRRDA 2014
- Section 1128 of WRDA 2016
- Non-Profits as Study Partners

PAS Agreements Website:

https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/templates pas/



WHAT PAS OFFERS



Section 156, WRDA 2020. In carrying out section 22 of WRDA 1974 (42 U.S.C. 1962d-16), the Secretary shall provide equal priority for all mission areas of the Corps of Engineers, including water supply and water conservation.

Section 8119 (b), WRDA 2022, WATERSHED PLANNING **AND TECHNICAL ASSISTANCE.** — In providing assistance under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 11 1962d-16) or pursuant to section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), the Secretary shall, upon request, provide such assistance at a watershed scale.

Explanatory Statement for Energy and Water Development Appropriations Bill, 2023. The Corps is reminded that this program encompasses many types of studies and technical assistance dealing with a number of water resource issues, including but not limited to, sediment management, coastal resilience, State water planning, water distribution, and water supply evaluations.

Example PAS Projects
Floodplain delineation
Flood hazard evaluation
Comprehensive floodplain management
Storm water management
Flood risk reduction
Stream and Wetland Assessments
Coastal assessments
Watershed planning
Water Supply
Water Quality
Environmental Restoration
Fish and Wildlife



PROJECT EXAMPLES



Lower Clear Creek, TX Compound Flooding Flood Risk Mgmt **Galveston District**

Quebrada de los Muertos, PR Flood Risk Mgmt & Drainage Jacksonville District

Ohio River Basin-Wide Planning Comprehensive Watershed Mgmt Louisville District

Choctaw/Chickasaw, OK Tribal Partner – Rural Water Districts Tulsa District

Chippewa River Watershed Study, MI Tribal Partner - Water Quality **Detroit District**

Tijuana River Watershed, CA Sediment Study Los Angeles District

WVSAStormwater, PA Watershed Mgmt & Water Quality **Baltimore District**

Hood & Columbia River, WA Tribal Partner Fish Utilization & Eco Restoration **Portland District**

50-Year Water Plan, NM Watershed Mgmt & Climate Resiliency Albuquerque District

Alakanuk, AK Tribal Partner – Coastal Erosion Alaska District

Chignik, AK Tribal Partner – Environmental Study, Salmon Habitat Alaska District

Big Creek/Brushy Creek, IA Fish Barrier Study **Rock Island District**

WHO CAN PARTICIPATE?



- A state;
- Group of states;
- Local government;
- Non-federal public bodies;
- Regional coalition of governmental entities;
- Federally-recognized Indian Tribes; *
- Specified territories; *
 - Puerto Rico, Virgin Islands, Guam, American Samoa, Northern Mariana Islands
- Not for profits
 - The not for profit entity must provide a letter from the affected local government consenting to the provision of such Section 22 assistance to the nonprofit entity

^{*} Section 8119 WRDA 2022 Fee Waiver for Economically Disadvantaged Communities as defined under Section 160 of WRDA2020 (more details in PAS Update slides)



TYPES OF AGREEMENTS



Comprehensive Water Resources Planning

- Planning for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems, including plans to comprehensively address water resources challenges such as the state water plan.
- Typical water resources problems and opportunities included in comprehensive state water resource planning efforts include: flood risk management, water supply, water conservation, environmental restoration, water quality, hydropower, erosion, navigation, fish and wildlife, cultural resources, and environmental resources.
- Cost-share: 50% federal/50% non-federal
 - Non-federal voluntary contributions in excess of cost-share requirement
 - Non-federal share may include in-kind services for Comprehensive Plans

Technical Assistance

- Technical work related to management of state water resources in support of a water resources management plan, related land resources development plan or other water resources management related planning documents.
- Coastal assessments for natural and nature-based infrastructure, stream and wetland assessments, sewer and stormwater infrastructure inventories and databases, coast-shed and watershed planning, flood risk assessments, GIS mapping, water supply demands, etc.
- Cost-share: 50% federal/50% non-federal
 - Non-federal voluntary contributions in excess of cost-share requirement
 - In-Kind Services not permitted for Technical **Assistance**

GETTING STARTED



Non-Federal Interest

The non-federal partner expresses interest and requests assistance

Scope of Work

- District and partner develop scope of work for project
- Identify tasks, deliverables, cost, and schedule
- Identify cost-share requirements and work in kind (Comprehensive Plan only)
- MSC review and approval prior to executing agreement

Letter of Agreement

- District Commander and non-federal partners sign a Letter of Agreement
- Template Agreements:

http://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/templates_pas/

Funding

- MSC works with HQ on availability of funds during their approval of the scope
- Funds are provided with an executed agreement and project information updated in PAS Database



ADDITIONAL CONSIDERATIONS



PAS Project Should:

- Seek support from other Districts (within the Division or nation-wide) for personnel support to accomplish work prior to using contractor services.
- Transition to the appropriate GI study program if a USACE construction project is identified.
- Provide assistance and outcomes to support implementation by the non-federal sponsor.

PAS Projects Should NOT:

- Augment or duplicate efforts that should be or are being accomplished under another authority.
- Include site-specific structural designs.
- Include construction specifications.
- Lead to USACE implementation.
- Accept Federal grant funds as non-federal cost share, except where legislation authorizing the Federal grant program allows such use.

General Reminders:

- If the assistance requested could be accomplished under multiple USACE authorities, consult with the Division to determine the most appropriate path forward.
- If additional personnel resources are needed, first work with the Division to seek assistance from other Districts, then consider use of a contractor if appropriate expertise and resources are not available within USACE.
- Implementation of any recommendations resulting from the PAS project will be the responsibility of the requestor.



PAS COORDINATION/NEGOTIATION FUNDING



Funding for Districts to conduct outreach, develop scopes, negotiate and execute PAS agreements.

Base amount distributed this year of \$60K per district with additional funds available upon request.

Activities:

- District outreach, to include outreach to economically disadvantaged communities
- Developing District outreach materials and strategy
- Face-to-face meetings, site visits
- Working with partner to identify needs and develop scope
- Negotiate and execute agreement

Example PAS websites:

- NAB https://www.nab.usace.army.mil/technical-services/
- MVP https://www.mvp.usace.army.mil/Missions/Civil-Works/Programs-Project-Management/District-Programs/Planning-Assistance-for-Tribes-and-States/
- SAD https://sad.usace.afpims.mil/Missions/Assistance-Programs/
- MVR https://www.mvr.usace.army.mil/Business-With-Us/Outreach-Customer-Service/

ADMINISTRATION & CONGRESSIONAL PRIORITIES



Addresses inland and coastal life safety risks?

Serves disadvantaged communities?

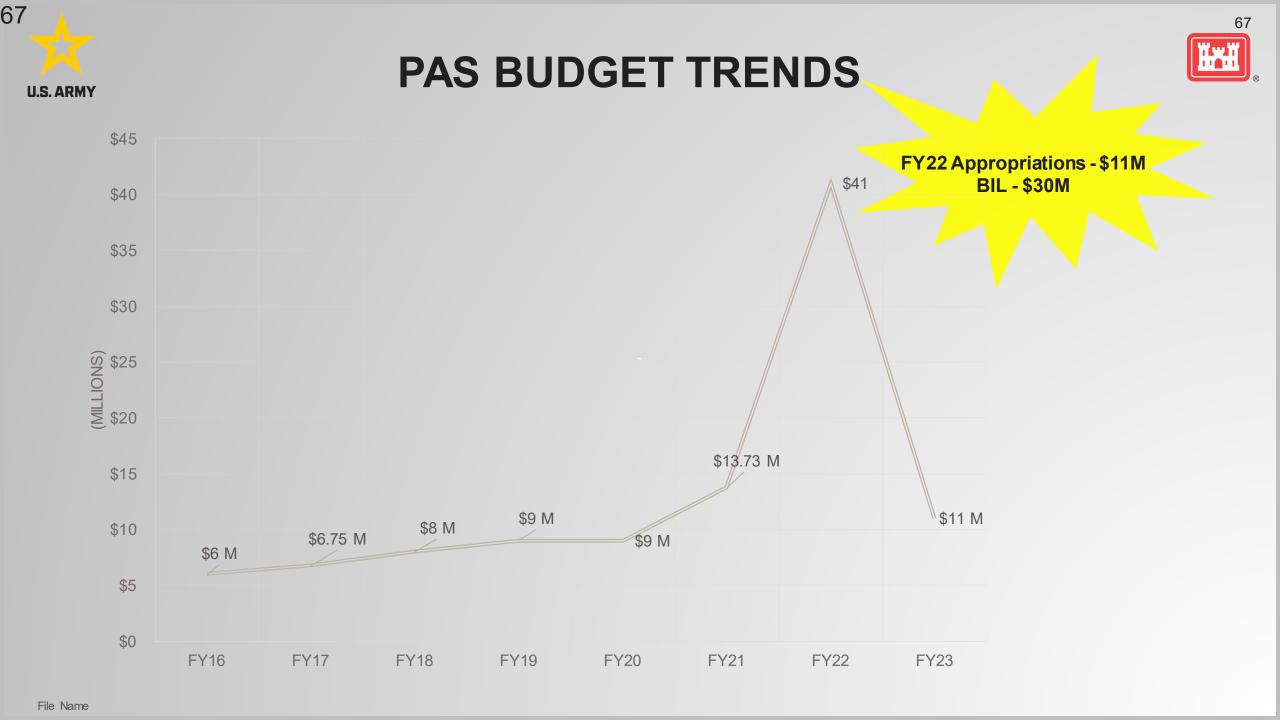
Provides assistance to coastal federally recognized tribal communities facing impacts from climate change and erosion?

Supports planning and/or preparedness for climate change impacts?

USACE Technical Assistance Programs ideal to address these priorities because:

- Scale of projects smaller than typical General Investigations studies allowing for provision of assistance on a variety of projects that would not otherwise be studied by USACE
- Provide planning and technical guidance to support understanding the problem and options to address in a timely manner
- PAS can provide assistance and comprehensive studies on a wide variety of water resources issues within the USACE mission areas







OPPORTUNITIES!



- FY23 and Bipartisan Infrastructure Law (BIL) Funding available for new PAS projects
- PAS Negotiation funds available and can be provided as needed
- PAS Agreements can be executed at any time
 - "First come, first served"

HOW TO REQUEST PAS PROGRAM FUNDING?



U.S. ARMY

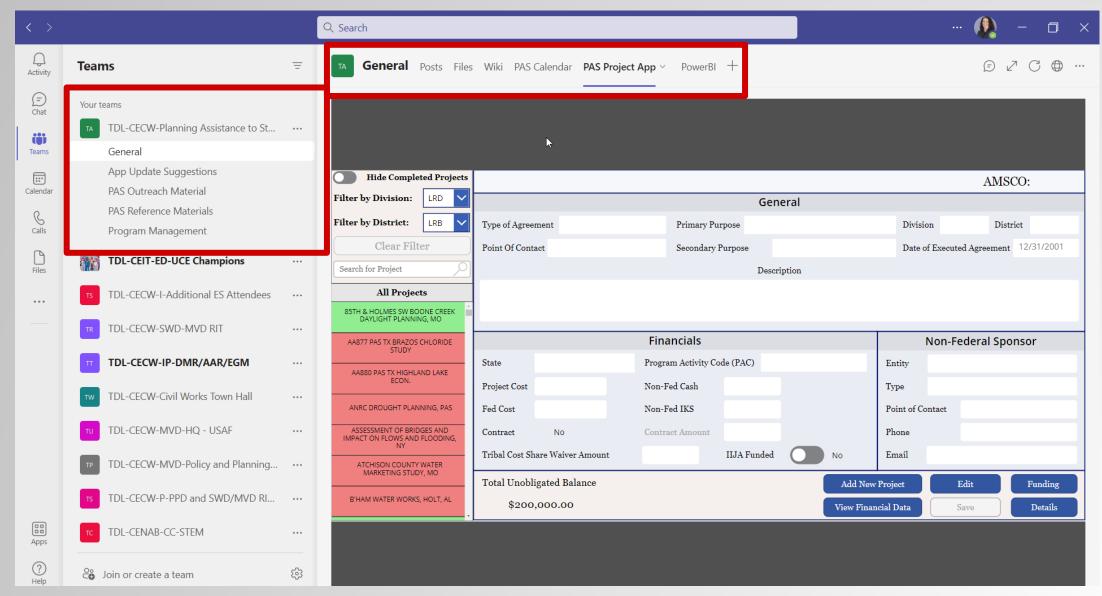
- PAS Project Funding is requested by quarter in the PAS Database. All fields must be completed and the PAS Agreement and Scope attached in the PAS Database.
- PAS Negotiations funds in the amount of \$15K each quarter are distributed unless other amount requested. Districts provide their negotiations funding needs to the MSC each quarter. Funds can be provided if additional needs arise between quarters.
- PAS funds are distributed by WAT. Prior year funds, to include BIL, will go directly to the District. Current year (FY23) funds will be distributed to the MSC to distribute to the district.
- If you have not received funding requested, start with MSC PAS PgM.
- Coordinate with MSC PAS PgM for return of unused project funds, for their coordination with the HQ PAS PgM.





PAS DATABASE - MS TEAMS

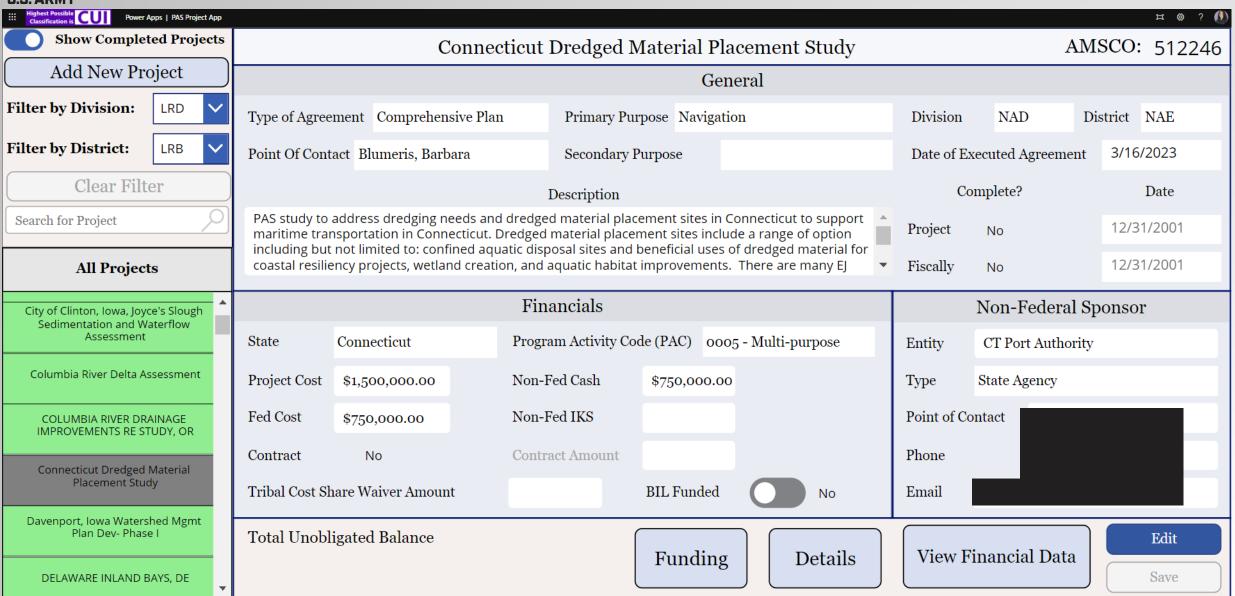




71 w W

PAS DATABASE

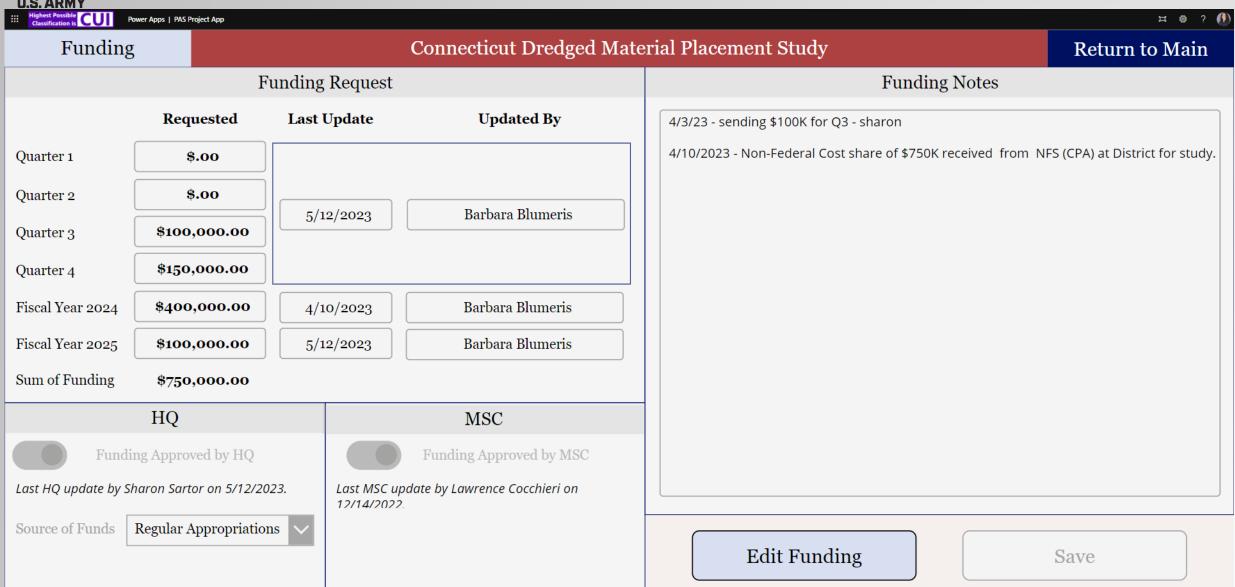
U.S. ARMY





PAS DATABASE

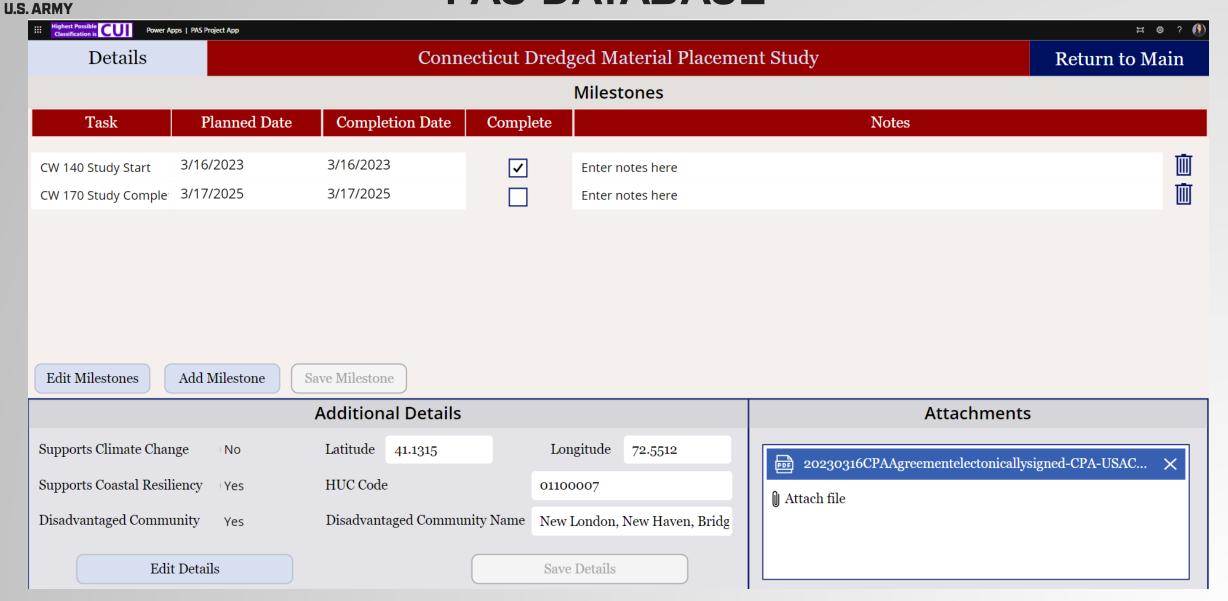






PAS DATABASE



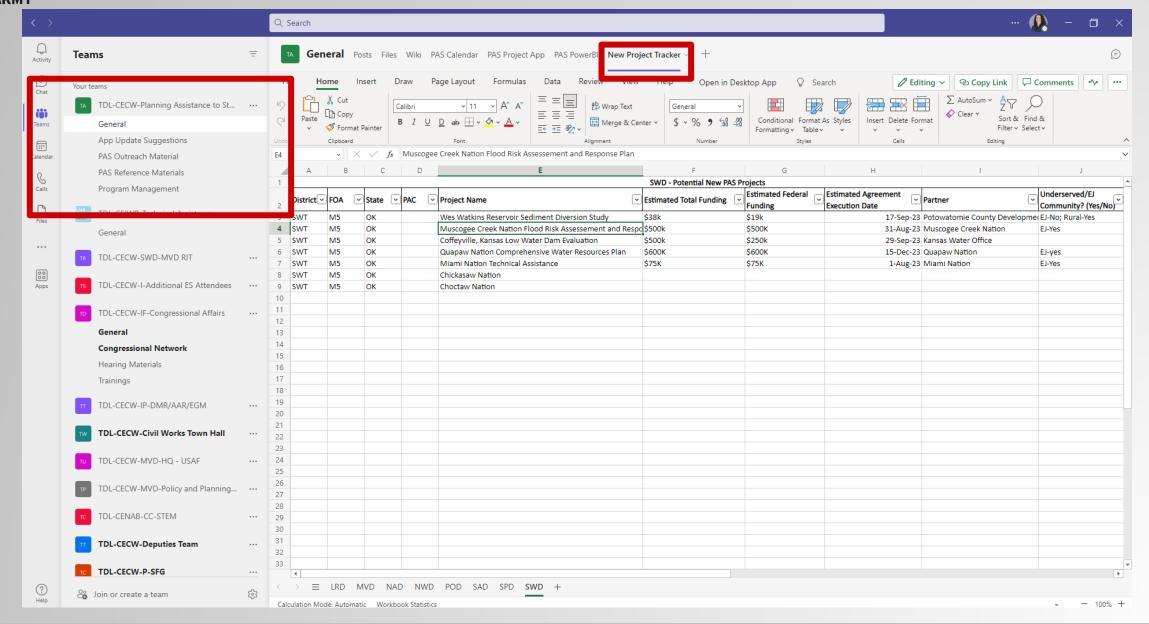






PAS - MS TEAMS - NEW PROJECT TRACKER

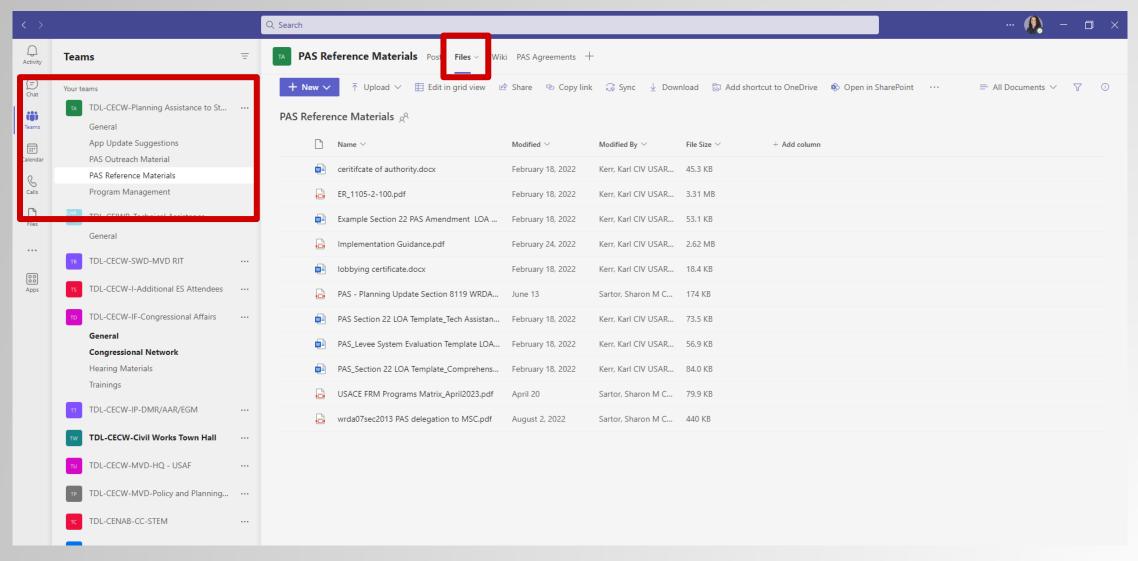






PAS TEAM - MS TEAMS







PAS UPDATES



- Inclusion in Justice40 as a covered program (August 2023)
- Technical Assistance Outreach Strategy
- Section 8119 WRDA 2022
- RI-TACO Database

ENVIRONMENTAL JUSTICE & JUSTICE 40 INITIATIVE

- Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income regarding the development, implementation, and enforcement of environmental laws, regulations, and policies, with no group bearing a disproportionate burden of environmental harms and risks.
- Justice40 Initiative includes a target to deliver at least 40% of the overall benefits from Federal investments in climate and critical clean water and waste infrastructure to underserved communities. PAS is a covered program under Justice40.
- Improving access to USACE Civil Works technical service programs (e.g., Planning Assistance to States and Floodplain Management Services programs) and maximizing the reach of Civil Works projects to benefit disadvantaged communities, in particular as it relates to climate resiliency.



SECTION 8119 WRDA 2022



ECONOMICALLY DISADVANTAGED COMMUNITIES.—

Notwithstanding subsection (b)(1) and the limitation in section 1156 of the Water Resources Development Act of 1986, as applicable pursuant to paragraph (1) of this subsection, the Secretary is authorized to waive the collection of fees for any local government to which assistance is provided under subsection (a) that the Secretary determines is an economically disadvantaged community, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note) (including economically disadvantaged communities located in urban and rural areas).".

SECTION 160 WRDA 2020



An economically disadvantaged community is defined as meeting one or more of the following:

- a. Low per capita income -The area has a per capita income of 80 percent or less of the national average;
- b. Unemployment rate above national average -The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate;
- c. Indian country as defined in 18 U.S.C. 1151 or in the proximity of an Alaska Native Village;
- d. U.S. Territories; or
- e. Communities identified as disadvantaged by the Council on Environmental Quality's Climate and Economic Justice Screening Tool (https://screeningtool.geoplatform.gov).



SECTION 8119 WRDA 2022 GUIDANCE



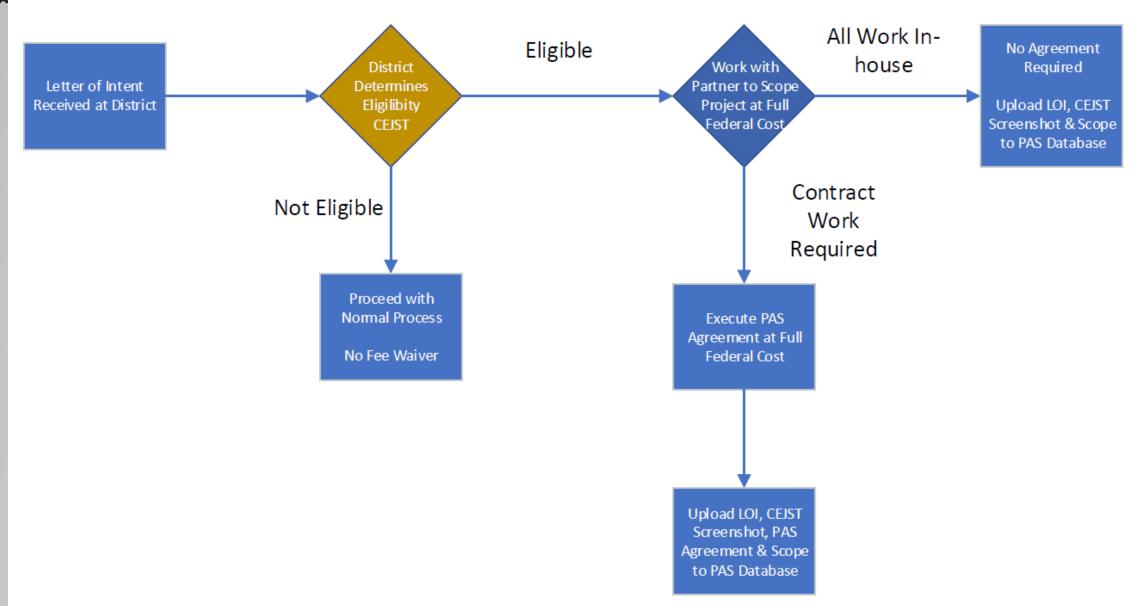
Planning Update for Section 8119 of the Water Resources Development Act of 2022 (WRDA 2022), Technical Assistance, 23 May 23

- Eligible entities are as defined by Section 160 WRDA 2020.
- Eligible entities submit a Letter of Intent requesting PAS assistance.
- Districts confirm eligibility and provide a screenshot from CEJST.
- Districts work with entity to define assistance and develop scope of work.
- For PAS assistance provided in house, no PAS Agreement required.
- For PAS assistance provided with use of contract, PAS Agreement and associated required documentation required.
- Letter of intent, CEJST screenshot, Scope of Work and PAS Agreement and associated required documentation must be uploaded to PAS Database.

SECTION 8119 WRDA 2022 PROCESS



U.S. A



This tool has been updated. The 1.0 version of the tool was released on Nov 22, 2022.



Explore the map

Methodology & data V About V Contact

Explore the map

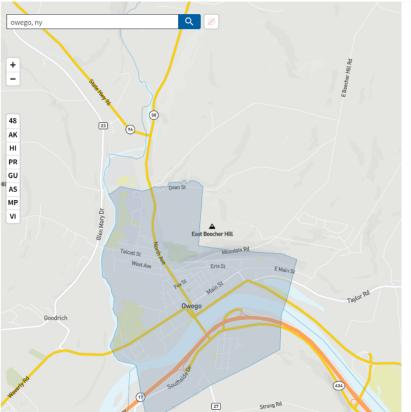
Census tracts that are overburdened and underserved are highlighted as being disadvantaged on the map. Federally Recognized Tribes, including Alaska Native Villages, are also considered disadvantaged communities.

Zooming in and selecting shows information about each census tract.

Share data sources with CEQ☑

Get the data **±**

Download the data with documentation and shapefile from the downloads page.



How to use the map:

Zoom in + , search Q , or locate yourself @ and select to see information about any census tract.

Things to know:

The tool uses census tracts 🖫 . Census tracts are a small unit of geography. They generally have populations 44 of between 1,200 - 8,000 people.

Communities that are disadvantaged live in tracts that experience burdens. These tracts are highlighted on the map.

The tool ranks most of the burdens using percentiles Δ . Percentiles show how much burden each tract experiences when compared to other tracts.

Thresholds ±, or cutoffs, are used to determine if communities in a tract are disadvantaged. Certain burdens use percentages \circ or a simple yes/no ✓.

Land within the boundaries of Federally Recognized Tribes and point locations for Alaska Native Villages are highlighted on the map. These communities are also



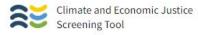
SECTION 8119 WRDA 2022 GUIDANCE



FREQUENTLY ASKED QUESTIONS UNDER REVIEW:

- What is the process to initiate a PAS project with an eligible EDC?
- Will there be a new model PAS agreement for this provision?
- Will the fee waiver be retroactively applied via a reimbursement?
- Can a servicing entity provide the letter of intent on behalf of the eligible community?
- Is a township/jurisdiction/county eligible for the cost share waiver if a portion of the area meets the Section 160 definition?
- How does this apply to watershed level projects/comprehensive plans?





Explore the map

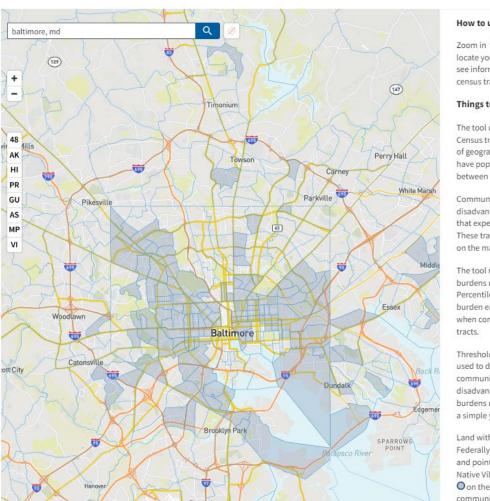
Census tracts that are overburdened and underserved are highlighted as being disadvantaged on the map. Federally Recognized Tribes, including Alaska Native Villages, are also considered disadvantaged

Zooming in and selecting shows information about each census tract.

Share data sources with CEQ☑

Get the data **±**

Download the data with documentation and shapefile from the downloads page.



How to use the map:

Zoom in +, search Q, or locate yourself @ and select to see information about any census tract.

Things to know:

The tool uses census tracts . Census tracts are a small unit of geography. They generally have populations 44 of between 1,200 - 8,000 people.

Communities that are disadvantaged live in tracts that experience burdens. These tracts are highlighted on the map.

The tool ranks most of the burdens using percentiles Δ . Percentiles show how much burden each tract experiences when compared to other

Thresholds ±, or cutoffs, are used to determine if communities in a tract are disadvantaged. Certain burdens use percentages or a simple yes/no ✓.

Land within the boundaries of Federally Recognized Tribes and point locations for Alaska Native Villages are highlighted On the map. These communities are also



QUESTIONS AND DISCUSSION









Contact Information:

Sharon Sartor Planning Assistance to States Program Manager Phone: 202-809-6142 Sharon.M.Sartor@usace.army.mil