

Q & A: WRRDA Overview: Section 7001 – Annual Report to Congress December 4, 2014

The December 4th webinar, part of a series of information-sharing webinars hosted by the Planning Community of Practice, provided an overview of the recently signed Implementation Guidance for the Water Resources Reform and Development Act (WRRDA), Section 7001: Annual Report to Congress.

Lisa Kiefel of the Institute of Water Resources and Sue Hughes of the Planning Community of Practice were joined by Jan Rasgus from Headquarters Policy and Planning, to present and respond to questions.

A graphic for the PCoP Webinar Series. It features a green starburst with the text "WRRDA 2014 Implementation Guidance Series". The main text reads "PCoP Webinar Series", "WRRDA Overview", and "Section 7001: Annual Report to Congress". Below this is the date "4 December 2014" and the names of the speakers: Sue Hughes, Deputy, Planning Community of Practice, and Lisa Kiefel, Institute for Water Resources. Logos for the U.S. Army and the US Army Corps of Engineers are present, along with the slogan "PLANNING SMART BUILDING STRONG". The background includes images of a globe, a hurricane, a ship, and a road sign.

WRRDA Implementation Guidance can be found online on the Headquarters website at: http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/LegislativeLinks/wrrda2014/wrrda2014_impguide.aspx

The questions and responses below are not a direct transcript; they have been reordered and edited for clarity. Additional questions and feedback are always welcome via email to hqplanning@usace.army.mil

Evaluating Proposals

The requested information on the proposed study includes "anticipated monetary and nonmonetary benefits." Do you want to see actual numbers in that column?

Estimated costs and anticipated benefits are to be included "to the extent practicable." The Corps does not need to generate any additional data for this process. If the sponsor provides information or if you have some general sense of the types of benefits, you can use that. You don't need to have numbers.

Are proposals for new studies being evaluated as to whether or not they can be done within the constraints of 3x3: in 3 years, for \$3 million?

Proposals are only evaluated against the criteria in Section 7001:

- Is it related to USACE authorities and one or more of the core missions?
- Is it required to have specific congressional authorization?
- Has it been previously congressionally authorized?
- Has it been included in a previous annual report (under 7001)? *AND*
- Is it able to be carried out by the USACE, if authorized?

However, as we learn from this year's experience, we may have additional outreach / education in the spring / summer (the Federal Register Notice should be published no later than 1 May) for potential sponsors about the types of studies the Corps does, the typical constraints of 3x3,

expectations about authorization vs. appropriation, etc. to better set expectations about what inclusion in the Annual Report does – or doesn't do – for the potential sponsor.

If proposals have been submitted that would be problematic implementing (e.g., doesn't meet the criteria for inclusion in the Annual Report or even if authorized is unlikely to be a funding priority), there's nothing stopping us working with the sponsors, right?

Yes, you should definitely work with your sponsors / potential sponsors, just as you always would.

If a study has been authorized, but is inactive or hasn't been funded, should sponsors use this process to request reactivation?

Although the non-federal sponsor might put a proposal in response to the Federal Register Notice, there is already authority for this study and so it would be included in the Appendix. This process does not impact the categorization of studies as active or inactive.

If a proposal is for a Section 216 study (recommending changes to a completed project), will it be in the report?

In that case, there is already authority for the study under Section 216 of the Flood Control Act of 1970, so the proposal will be included in the Appendix with that reasoning.

How will the proposals from nonfederal sponsors for project authorizations be evaluated?

To be included in the report, potential projects for authorization will follow our current process. If the proposed project (Chief's Report) has not gone through Administrative Review, it will be included in the Appendix.

Developing the Report

Will the Corps' legislative drafting services be engaged developing the Report to Congress?

At this point in time, legislative drafting services isn't part of this exercise. The annual Report to Congress will provide a list of studies and projects that Congress may consider for authorization. Congress may specifically request legislative drafting services when they want it.

How the Report will be Used

After ASA(CW) submits the Report to Congress in February, what happens?

The report will be submitted to the Corps' authorizing committees: the House Transportation and Infrastructure committee and the Senate Environment and Public Works committee. Those committees will use the Report as they wish. They can use it as a consolidated list of studies and projects – in whole or individually – to consider for authorization under their usual processes. Inclusion in the Annual Report **does not** provide authorization for studies or projects.

Implementation Guidance for Other WRRDA Sections

You mentioned that there are some sections of WRRDA that may not have Implementation Guidance issued, or that are not a high priority. Can you explain that?

In general, if a section is not funded (it's a new area of authorization or it is an element that is currently authorized but not funded), that would make it a lower priority. The highest priority sections are those that are high visibility and have a real impact on our sponsors - e.g., 1001, 1002, 7001, CAP guidance, contributed funds, in kind credit, harbor maintenance trust fund, etc. These are high priority sections, but they're also some of the most complex, so it's taking us

some time to work through the details. If there is a particular section of Implementation Guidance something that you need, work with your Regional Integration Team (RIT), and we may be able to expedite that section.