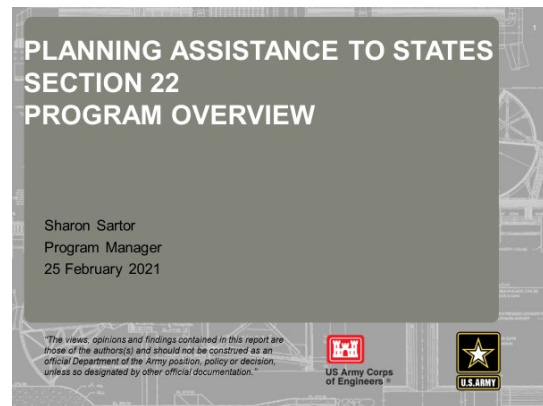


Planning Assistance to States (PAS) Program Overview
February 25, 2021
Q&A Session

This webinar provided an overview of the Planning Assistance to States (PAS) Program (Section 22 of WRDA 1974, as amended) and was presented by Sharon Sartor (PAS Program Manager). PAS is a USACE program that allows for providing cost-shared technical assistance and comprehensive water resource planning support to non-federal sponsors. The webinar included types of projects that can be conducted, how to get a project started, and examples of PAS projects from across the country presented by District team members.

This summary of the Question / Answer session of the webinar is not a transcription; questions and responses have been edited and reordered for clarity.



PAS Program Requirements & Expectations

Previously, Districts had been required to show a potential PAS project's direct tie to the relevant state water resources plan if the project sponsor was not the State. Does this requirement apply to USACE partnerships with local municipalities, Tribes, and/or non-profit entities?

The definition of "State" for the purposes of PAS includes Tribes and territories. For any USACE partnership, the project should address water resource challenges such as those identified in or in support of a state water plan OR other water resources management-related state planning documents (i.e., state hazard mitigation, preparedness, response, and recovery plans as well as plans associated with changing hydrologic conditions, climate change, long-term sustainability, and resilience).

A non-profit organization (NPO) is an organization incorporated under the applicable laws of the State in which it operates as a nonprofit organization, exempt from paying Federal income taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501), and whose purposes include and are directly related to the purpose of the proposed PAS effort. The NPO must provide a letter from the affected local government consenting to the provision of such technical assistance to the NPO.

See the following website for Implementation Guidance for PAS for further information:
https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/templates_pas/

What funds should be used to initiate the agreement with the PAS project sponsor?

PAS negotiations funds (also known as coordination funds) can be used to initiate an agreement with a non-federal partner.

Based on the provision that PAS projects with Tribes and specified territories receive a cost-share waiver up to \$484K with 50/50 cost-sharing implemented thereafter, are Tribes and territories required to be cost-share partners, or can they just be a participant in a study?

Under PAS, the Tribe would have to enter into a cost-share agreement, even if the project cost is completely covered by the waiver at full federal expense (\$484K or less).

For a PAS project expected to span multiple years, are District teams expected to request and receive all project funding up front? In addition, are Districts expected to have all of the non-federal sponsor's funds in hand before rolling out the project, even if it will be executed over multiple years?

If a project will span multiple years, the District would lay out the scope and costs by year. Additional phases, as needed, can be covered by an amendment to the agreement or under a new agreement. The intent of the PAS program is not to have very long multi-year studies. Typically, federal funds would be provided per year for the work to be done within that fiscal year with a signed agreement. As such, the non-federal sponsor's matching funds must be in hand prior to any expenditures. The cost-share balance should be maintained such that only funds that are matched and in hand should be spent. Please feel free to ask your MSC or the PAS Program Manager if further clarification is needed.

If a non-federal sponsor does not yet have match funds available, should the sponsor pursue grants before or after requesting PAS funding?

Planning assistance cannot be used to offset any required state contributions to Federal grants programs. Likewise, sponsors cannot use any Federal grant funds as their share of a cost-sharing agreement, except where the legislation authorizing the Federal grant program allows such use. It is expected that the sponsor has their cost-share funds available at the signing of an agreement.

Appropriate Uses of PAS & Program Limitations

Are there limits or caps on the cost of a single study?

The intent of the PAS program is not to conduct feasibility-level type projects. That said, there are no strict cost limits in place, and smaller projects typically range from \$100K up to \$500K total. In some cases, additional investigation needs are identified once a PAS project starts, and in those cases, it is appropriate to amend an agreement or sign a new agreement with the non-federal sponsor. Please feel free to coordinate with your MSC and HQ PAS Program Manager for any studies outside of that cost range. *Note: it is preferred that when additional work related to an existing PAS project is needed, a new agreement is signed.*

In some Districts, Office of Counsel has taken a very narrow view of "comprehensive planning efforts," and will therefore not sign off on agreements unless Districts move the projects to technical, which prevents non-federal sponsors the ability to contribute work in kind. Is there any advice available for how to better define "comprehensive" for the purposes of the PAS Program?

This concern has been expressed by a few MSCs. The Headquarters PAS team is working on updates to the [Planning Guidance Notebook \(PGN\)](#), which will hopefully address this concern. Headquarters will also work with the MSCs and Office of Counsel to provide any further guidance if needed beyond the PGN updates.

Does the restriction on using PAS funding for "site-specific structural designs" prevent the use of PAS for concept designs to establish costs for alternatives?

General conceptual designs can be provided to establish rough costs for alternatives. The forthcoming Planning Guidance Notebook update will include guidance to this effect: "The planning process can extend throughout the functional design process and the preparation of generic structural designs, but in no case will the term 'planning assistance' extend to the preparation of site-specific structural designs or construction specifications."

Has the PAS Program ever been used to model land cover and/or land use change impacts to watershed nutrient loading?

The PAS Program can be used to model land cover and/or land use change impacts to watershed nutrient loading. A number of Districts have worked with the Engineer Research and Development Center (ERDC) to model nutrient loading.

Is it appropriate to use PAS funds to initiate the approval process from the Office of Management and Budget (OMB) for economic surveys prior to the start of a General Investigations (GI) study?

No, this is not an appropriate use of PAS funds. The Planning Guidance Notebook update clarified that the PAS program will not be used to supplement efforts under other ongoing or pending USACE programs, such as feasibility studies.

Is it possible to convert a GI study to a PAS study if the non-federal sponsor decides to move ahead on the project without direct federal participation?

The PAS Program Manager would need some more information on this specific situation but could consider this conversion, and look to similar examples of GI studies converting over to fall under the Continuing Authorities Program (CAP).

PAS Project Examples

How does the Baltimore District fund all of its outreach activities, including attendance at conferences, in the context of the limited availability of outreach and coordination funding?

The Baltimore District is able to do strategic outreach with limited funds through a variety of strategies and activities:

1. Utilizing PAS negotiation funds or other program negotiation funds (e.g., CAP, Flood Plain Management Services, Silver Jackets, Chesapeake Bay Environmental Restoration and Protection Program/Section 510, Emergency Management, etc.)
2. Sending emails with information concerning all of our available programs to state and county planning departments.
3. Maintain an updated [District website](#) to include information about PAS, as well as FPMS and Silver Jackets, with example projects and contact information. Also maintain updated information sheets on these programs to leave with interested parties at meetings or send via email.
4. Attending recurring meetings with state agencies.
5. Participating in monthly Silver Jackets meetings, where the Silver Jackets Program Manager can speak about the PAS program.
6. Educating other Divisions within the District on our programs so they can speak to or broadly talk about USACE programs when engaged with the public (i.e., Emergency Management).
7. Attending conferences, workshops and trainings using training funds, overhead, or project funds if delivering a presentation or leading a workshop is an approved part of a project.
8. Leveraging word of mouth from current or former sponsors to neighboring counties, cities, or townships/municipalities/boroughs.
9. Actively partnering with river basin commissions in the District's area of interest through PAS and other programs.

Other available accounts Districts may consider include:

- Special Investigations: "The Corps uses this funding to answer general inquiries from members of the public on the work of the civil works program, outside the scope of a specific Corps study,

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project, or program. For example, the Corps would use this funding to attend a meeting to explain to a potential local sponsor of a Corps study or the public how the Corps study process works.”

- Coordination with Other Water Resources Agencies: “Funds provided under this program are used to enable efficient and effective coordination with other water resources agencies, which often support multi-agency, national initiatives and strategies...”
- Interagency Water Resources Development: “Funds provided under this program are used to cover activities including meeting with City, County and State officials to: a) help them solve water resources problems when they have sought advice; b) determine whether Corps programs are available and may be used to address the problems; and c) ensure they understand study cost-sharing and obtain an indication of their interest in participating in a future study.”

The key factor is to empower all staff with the ability to speak in broad terms about USACE programs and provide contact information so that the potentially interested party can contact the appropriate Program Manager for more details. Each outreach opportunity is rarely for one individual program, but for all programs that we administer.

For the Metro Nashville Flood Preparedness project, did the Nashville District sign a single agreement to cover all phases, with amendments executed for each project phase – or were separate agreements signed for each phase?

The Nashville District has taken different approaches to different projects, but the Metro Nashville Flood Preparedness project has used the approach of signing a new agreement for each phase.

An agreement to cover all phases, with amendments executed for each project phase, is also an option. Please discuss this further with your MSC and the Headquarters PAS Program Manager for out-year planning.