



officially applied to Construction because a federal rulemaking updating the Code of Federal Regulations around Ability to Pay (33 CFR Part 241, Flood Control Cost-Sharing Requirements Under the Ability to Pay Provision) was never issued for feasibility studies or design. However, the Ability-to-Pay mechanism can be used in Continuing Authorities Program and flood risk management projects.

Tribal Ability to Pay and Cost Share Waivers are addressed in annual [Economic Guidance Memoranda, available on the Planning Community Toolbox](#). Ability to Pay is being reviewed by the Assistant Secretary of the Army for Civil Works (ASA(CW)) as a potential agency priority. More specific questions on Ability to Pay should be addressed by the study team's economist(s).

**Is there any effort to collaborate and refine USACE tools, models, or data using the data collected from new and evolving partner federal agency tools and data? Will policy evolve further, especially related to cost sharing, due to newly available technology?**

The agency's goal is to use the best available science to inform decisions. USACE, including the Engineer Research & Development Center and its other Centers and Labs, is continuing to develop and apply new technologies, models, and data sources. To the extent that new data or tools impact study delivery cost, whether increasing or decreasing, that will be part of the vertical team alignment on study scope, schedule, and budget.

#### **Planning Process Changes**

**Are there any ongoing discussions with the ASA(CW)'s Office regarding the potential for USACE to fully cost share a "comprehensive benefits plan" versus having to pay the difference between the selected plan and the National Economic Development (NED) plan (even if it is a better comprehensive investment), especially when addressing life safety for socially vulnerable communities?**

Federal law requires non-federal sponsors to cost share the feasibility study, as well as construction of the project and to conduct all operations and maintenance after construction. These long-term costs should be considered when thinking purposefully about selecting plans. When a community may not be able to directly provide their cost share, project partners may be able to secure funding through the state, federal grant programs, or other entities.

**Is HQUSACE considering any changes to the USACE vertical team Civil Works review process?**

No, HQUSACE is not considering any changes to the USACE vertical team Civil Works review process at this time.

#### **Document Changes**

**What are the differences between the 2013/2014 Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies (or PR&G), agency specific procedures (ASPs), and the PGN (ER 1105-2-100)?**

The PR&G are intended to provide a common framework for analyzing a diverse range of water and land resources projects, programs, activities, and related actions involving Federal investment as identified by the agencies in the context of their missions and authorities – including by USACE – and supersede the 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (or P&G).

The PR&G are Administration policies applicable to all federal land and water resource agencies.

Policy and Guidance Evolution  
Q&A Session

“Agency Specific Procedures” (ASPs) are developed by each federal agency as implementation guidance for the PR&G. The PGN is USACE’s implementation guidance (ASPs) for the 1983 P&G. However, until FY20, Congress annually prohibited USACE from spending any of its appropriations to develop ASPs for the newer PR&G.

The ASA(CW) is intending to go through a federal rulemaking process to develop – and get public input on – the ASPs to implement the 2013/2014 PR&G. Once that rulemaking is completed, those rules will be incorporated into USACE Planning guidance as an Engineer Regulation.

In the meantime, though, the past 22 years of legislative and policy changes are being used to update the PGN. The updated PGN will be published as an Engineer Circular, rather than as an Engineer Regulation, so that it can be more easily updated to incorporate the final ASPs.

**The 1990 version of the PGN included more descriptive evaluation procedures than the 2000 version of the PGN. Will the updated PGN revert to a more descriptive style?**

In the 2000 update to the PGN, evaluation procedures were moved to appendices (e.g., Appendix E, Civil Works Mission and Evaluation procedures). The goal of the current PGN update is to incorporate new and updated policy, as well as update the content of the PGN to reflect current publications guidance. Publication guidance directs Engineer Regulations (and Circulars) to be durable policy documents, while procedures, processes, etc. should be published as Engineer Pamphlets.

For this reason, even more of the procedures which had remained in the main body of the PGN are being incorporated within the existing PGN appendices, and each of those appendices is being converted to one or more Engineer Pamphlets. Conversely, policy statements or direction in Appendix E are being moved into the main body of the PGN. This allows readers to find information more easily as it is in a centralized location (i.e., the chapter on Coastal Storm Risk Management has all of the relevant policy within the chapter). Readers interested in how to conduct the evaluation can review the related EP for specific details on procedures. Additionally, separating business line procedures out into separate Engineer Pamphlets will allow updates and revisions to the document to be made more easily.